

During the pendency of this matter, the business records of Xebex have been in the possession of personal counsel handling the divorce of the Defendant's President, Scott Weinert. That matter was settled on the evening of Tuesday, November 17, 2009.

and counsel for Defendant, Xebex, has requested the immediate release of the business records into its possession, so it may facilitate a response to the Plaintiffs' discovery requests. Upon receipt of those documents, which is anticipated to occur not later than December 1, 2009, counsel for the Defendant will make the same available for inspection at the law offices of Waldrop & Hall, P.A. at 106 South Liberty Street in Jackson, Tennessee during normal business hours or otherwise by appointment.

Further, Defendant Xebex Corporation will make a 30(b)(6) representative available on December 8th, 9th, or 10th at the law offices of Waldrop & Hall, P.A. at 106 South Liberty Street in Jackson, Tennessee, for a deposition pursuant to the notice previously filed in this matter. Counsel has advised Plaintiffs' counsel of these dates by telephone in order to expedite the scheduling of that deposition.

In light of the foregoing, the Defendant, Xebex Corporation, prays that the Court deny the Plaintiffs' Motion to Compel and its request for expenses.

Respectfully submitted,

**WALDROP & HALL, P.A.**

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was forwarded by electronic means via the Court's electronic filing system.

s/ Charles M. Purcell  
WALDROP & HALL, P.A.

Date: November 20, 2009